

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**REPLY BRIEF OF THE MORGAN, SANGAMON, AND
SCOTT COUNTIES LAND PRESERVATION GROUP**

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as "MSSCLPG"), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O'Brien of McNamara & Evans, and for its Reply Brief, states as follows:

REITERATION OF MSSCLPG POSITION

MSSCLPG filed its Initial Brief herein on June 3, 2013, in which it summarized its case in favor of the MSCLTF Alternate Route for selection from the routing options now presented to the Commission for consideration for the segment of the Project from Meredosia to Pawnee. After a review of the Initial Briefs filed by Commission Staff, ATXI, and various other intervenors, MSSCLPG wishes to reiterate its position, stated in its Initial Brief as follows: "The ATXI proposed Alternate Route would be \$15.1 million costlier than the ATXI proposed Primary Route, \$16 million costlier than the ATXI proposed Primary Route with the Pearce Modification, and some \$36.78 million costlier than the route known as the MSCLTF Alternate Route (following the route of the existing 138 kV line and advocated by MSSCLPG). In terms of difficulty of construction, consider

that the MSCLTF Alternate Route is far and away the shortest of the route options, far and away the least cost option, and would follow an existing right-of-way. Add to that the fact that the proposed Primary Route would require an estimated twenty-eight (28) dead-end structures, the proposed Alternate Route twenty-four (24), and the MSCLTF Alternate Route only fourteen (14). [. . .] MSSCLPG would submit, for the foregoing reasons and based on an overwhelming preponderance of the evidence presented in this matter as it relates to the requirements set forth in 220 ILCS 5/8-406.1(f), that the clear least cost choice of routing options presented for the segment of the Project from Meredosia to Pawnee would be the MSCLTF Alternate Route (paralleling the existing 138 kV line). The second choice would be the ATXI proposed Primary Route (with modification presented by the Pearce Alternate Route).”

REPLY TO INITIAL BRIEF OF THE STAFF OF THE ILLINOIS COMMERCE COMMISSION

The Staff of the Illinois Commerce Commission filed its Initial Brief herein on June 3, 2013 (hereinafter referred to as “Staff Brief”). The recommendations contained in the Staff Brief directly mirror the position, as stated above, advocated by MSSCLPG for the segment of the route from Meredosia to Pawnee. After review and analysis of the evidence presented herein to date, Commission Staff found the following, to wit: “Constructing this segment parallel to the existing 138 kV line [MSCLTF Alternate Route] would result in by far the shortest and lowest cost route. [. . .] ATXI’s primary route, as modified by Pearce’s first alternative, would be the next most logical route.” (Staff Brief, pp. 19-20) Those findings are clearly articulated by Commission Staff without ambiguity or qualification, i.e., best choice: MSCLTF Alternate Route; next best choice: ATXI’s primary route, as modified by Pearce’s first alternative.

Commission Staff participates in cases such as this to provide objective, unbiased, and expert

guidance to the Administrative Law Judges as they navigate the technicalities and vagaries involved in a case as massive as this. After careful analysis by Commission experts, findings were submitted which directly parallel those of MSSCLPG. The only truly objective voice among the parties to this matter, one with no vested interest nor conflict of interest, rendered in its expert opinion, findings which completely substantiate the position advocated by MSSCLPG. The lone objective, unbiased, and expert party favors the route selection supported by MSSCLPG.

REPLY TO INITIAL BRIEF OF ATXI

ATXI filed its Initial Brief herein on June 3, 2013 (hereinafter referred to as “ATXI Brief”). ATXI advocates selection of its proposed Alternate Route for the segment of the route from Meredosia to Pawnee.

ATXI bases its advocacy (by default) for its proposed Alternate Route, in part, on potential and hypothetical operational problems involved with placing the new line along a parallel path in close proximity to an existing 138 kV line. Such potential issues were addressed by Staff Witness Greg Rockrohr (Senior Electrical Engineer within the Energy Engineering Program of the Safety and Reliability Division of the Illinois Commerce Commission) on cross examination during the evidentiary hearings held herein. Mr. Rockrohr made clear that, from an “engineering standpoint,” there is “nothing unsafe or inherently unreliable about having two transmission lines that do not serve the same function or area routed adjacent to each other.” (Tr. 236:16-21) Placing the new line along the existing 138 kV right-of-way provides no increased maintenance issues. In response to concern for an event causing both lines to fail simultaneously, Mr. Rockrohr made the point that both lines will not be serving the same area, thus not presenting a critical problem. (Tr. 237) Mr. Rockrohr went on to state that the lines could be constructed in such a manner as to prevent the risk

of one line interfering with the operation of another. (Tr. 238:5-13)

ATXI further advocates approval of its proposed Alternate Route based on perceived support for the proposed Alternate Route by various other intervening interests. While it may be true that such other intervenors do not stand opposed to the proposed Alternate Route, to state that the proposed Alternate Route has garnered broader support and greater acceptance than has the MSCLTF Alternate Route is not supported by fact. ATXI relies heavily on the fact that it was able to negotiate a stipulation with the MSCLTF to support the proposed Alternate Route in making its claim for broad support and greater acceptance of the proposed Alternate Route. While it is true that MSCLTF did execute a stipulation with ATXI for endorsement of the proposed Alternate Route, the MSCLTF Alternate Route advocated by Commission Staff, MSSCLPG, and others, was initially presented herein as a routing option by MSCLTF itself. Clearly, the MSCLTF Alternate Route resolves any concerns MSCLTF might have for its own property interests. One can presume that ATXI presented MSCLTF with an alternate routing option which equally satisfied its concerns and MSCLTF was willing to stipulate to the same. Who can blame its members for agreeing to such a stipulation? Ultimately, the interests of intervening parties herein are inherently selfish. When one's own property rights are at stake due to a looming and impending project, any option which seems to guarantee a resolution which does not impinge upon one's own property can seem appealing or, at the least, agreeable. Such stipulation or acceptance is in no way an indication that such routing option is the best choice for the greater number. For this very reason, MSSCLPG would restate the fact that the MSCLTF Alternate Route was introduced by MSCLTF itself and is the routing option endorsed by Commission Staff, in its expert and nonpartisan opinion. MSSCLPG would also state that a true examination of MSCLTF's intentions in this matter has been rendered impossible due to the fact that, despite intervening herein and acting as an active party to this matter, MSCLTF filed

no testimony in this matter and thus was not held to the standard of scrutiny afforded by cross-examination at hearing. Whether MSCLTF's failure to present testimony was a tactical decision, or through simple omission, is, like any attempt to fully flesh out MSCLTF's bottom line opinion about the various routing proposals, left to speculation.

Along the same lines, ATXI contends that its proposed Alternate Route has received broader support and greater acceptance due to "support for the route" by the FutureGen Industrial Alliance. (ATXI Brief, p. 50) ATXI's contention that FutureGen supports the proposed Alternate Route is misleading at best as it connotes preference for, or favor toward, the proposed Alternate Route. In fact, FutureGen is on record as stating that the MSCLTF Alternate Route would alleviate FutureGen's concerns in "much the same fashion" as would the ATXI proposed Alternate Route. (MSSCLPG Cross Exhibit 1)

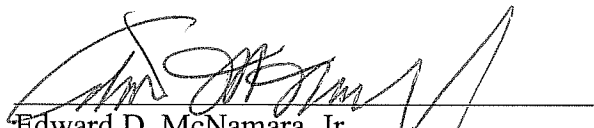
The remaining intervening parties to this matter whose interests would be affected by any selection made of routing option for the segment of the route from Meredosia to Pawnee are Gregory and Theresa Pearce, Steve and Donna Ruholl, and Andrew and Stacy Robinette. The Ruholls filed an Initial Brief herein on June 3, 2013 which directly coincides with the position taken by MSSCLPG and Commission Staff. The Pearces themselves proposed use of a portion of the existing 138 kV right-of-way as a modification to the route to protect their property interests. (Gregory and Theresa Pearce's Primary Alternate Route, Sangamon County) The property which is the interest of the Robinettes would be unaffected by the MSCLTF Alternate Route. (Testimony of Andrew Robinette)

CONCLUSION

MSSCLPG would submit, for the foregoing reasons and based on an overwhelming

preponderance of the evidence presented in this matter as it relates to the requirements set forth in 220 ILCS 5/8-406.1(f), that the clear least cost choice of routing options presented for the segment of the Project from Meredosia to Pawnee would be the MSCLTF Alternate Route (paralleling the existing 138 kV line). The second choice would be the ATXI proposed Primary Route (with modification presented by the Pearce Alternate Route). Of the routing options presented to the Commission for consideration for the segment of the Project from Meredosia to Pawnee, the fourth best (worst) option clearly would be the ATXI proposed Alternate Route. MSSCLPG prays that if approval is granted for the Project, the Commission enter an Order herein selecting the MSCLTF Alternate Route for the segment of the route from Meredosia to Pawnee.

Respectfully Submitted,
Morgan, Sangamon, and Scott Counties
Land Preservation Group,
By and through its attorneys,



Edward D. McNamara, Jr.
Joseph H. O'Brien

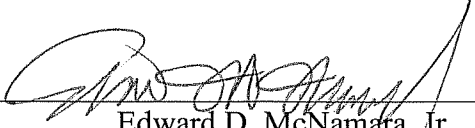
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VERIFICATION


STATE OF ILLINOIS }
 }SS
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Reply Brief; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

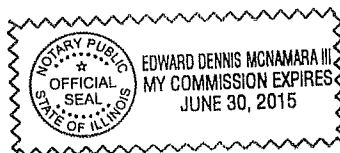
Subscribed and Sworn to before me
this 10th day of June, 2013.



Edward D. McNamara, Jr.

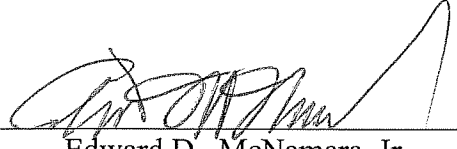


Notary Public



CERTIFICATE OF SERVICE

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Reply Brief on the individuals shown on the attached Service List, via electronic mail, on June 10, 2013.



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